

REMARKS / ARGUMENTS

In complete response to the Office Action dated October 20, 2005, on the above identified application, reconsideration is respectfully requested. Claims 16 - 41 are pending in this application.

With this amendment, claims 16 – 41 have been cancelled, and claims 42 – 64 have been added to further define the invention. An abstract on a separate sheet, as well as replacement drawings, are also submitted.

Claim Rejections under 35 U.S.C. § 112

Claims 16, 33, and 41 currently stand rejected under 35 U.S.C. 112, first paragraph for lack of enablement. Due to the aforementioned claim cancellations, the Applicants respectfully contend that this rejection is now moot.

Claim Rejections under 35 U.S.C. § 102

Claims 16 – 18, 20 – 23, 26, 27, 30, 33 – 36, and 38 – 41 currently stand rejected under 35 U.S.C. § 102(a) as being anticipated by Homi et al. (Anesthesiology 2003, 99, 876 – 881). Due to the aforementioned claim cancellations, the Applicants respectfully contend that this rejection is now moot.

Claims 16, 18, 20, and 21 currently stand rejected under 35 U.S.C. 102(b) as being anticipated by Bracken (US 3,876,773). Due to the aforementioned claim cancellations, the Applicants respectfully contend that this rejection is now moot.

Claims 16, 18 – 21, 23 – 25, 28, 30-34, 36, 37, and 39 – 41 currently stand rejected under 35 U.S.C. § 102(b) as being anticipated by Mondain-Monval (US 4,820,258). Due to the aforementioned claim cancellations, the Applicants respectfully contend that this rejection is now moot.

Claims 16, 18, 20, 21, 23 – 25, 28, 30, 33, 34, 36, 37, and 39 – 41 currently stand rejected under 35 U.S.C. § 102(b) as being anticipated by Jevtovic-Todorovic et al. (Nature Medicine 1998, 4, pages 460 – 463). Due to the aforementioned claim cancellations, the Applicants respectfully contend that this rejection is now moot.

Claims 16, 18, 19, 20, 21, 28, 29, 30, 33, 34, 36, 37, 39 and 41 currently stand rejected under 35 U.S.C. 102(b) as being anticipated by Vanderipe (WO 93/06869). Due to the aforementioned claim cancellations, the Applicants respectfully contend that this rejection is now moot.

CONCLUSION

Accordingly, it is believed that the present application now stands in condition for allowance. Early notice to this effect is earnestly solicited. Should the Examiner believe a telephone call would expedite the prosecution of the application, he is invited to call the undersigned attorney at the number listed below.

Respectfully submitted,


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Date: February 16, 2006

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I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 16th day of February, 2006.


Diana Guzman